

SUBDIVISION TEXT AMENDMENT: CHANGES TO DOUBLE FRONTAGE REQUIREMENTS (P24-048-STA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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## PROJECT SUMMARY



- Project Name & Case #:
  - Changes to Double Frontage Requirements (Subdivision)
  - P24-048-STA
- Applicant:
  - Zachary Grogan
- Subdivision Ordinance Articles Amended:
  - Sec. 3.03. Lots.
  - Sec. 3.04. Access to lots.
  - Sec. 4.03. Streets.
- Planning Board - Legislative Committee Meeting
  - August 20<sup>th</sup>, 2024
- Summary Basics:
  - The applicant's petition proposes a waiver for the requirements in section 3.03(D) and section 3.04(C) of the Subdivision Ordinance to allow for double frontage lots in more instance.
  - City staff is proposing additional changes to the double frontage requirements that would do the following:
    1. Establish a lesser buffer standard dependent on the street classification.
    2. Expand the number of street classifications that would require a marginal access street.
    3. Establish a trigger for marginal access streets that would be dependent on Annual Average Dailey Traffic (AADT) counts.

### *Summary of Amendment Petition:*

*Zachary Grogan initiated a text amendment to the City's Double Frontage requirements after talking with City staff about a new development. The proposed development created lots with double frontage, which is currently not allowed under our subdivision ordinance. Right now, the rules only permit double frontage on major roadways (expressway or boulevard).*

*In Mr. Grogan's case, he is looking to subdivide several properties on Brooklyn Avenue to construct townhomes. Brooklyn Ave is classified as a local street, therefore is not able to have double frontage. Due to the site layout and confines of the property, a large portion of the townhomes would have double frontage along Brooklyn Avenue.*

*From a larger perspective, Planning Staff identified Double Frontage Lots as a top-priority for a Text Amendment in 2022. This was the 11<sup>th</sup> highest priority. Staff has seen several instances where double frontage lots would be a preferred outcome due to topography, traffic volumes and improved congestion management.*

*City staff is proposing several revisions to the subdivision ordinance that align with the applicant's request, but also address issues in similar developments that staff has identified in recent months.*

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## AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

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Due to the requirements in our ordinance, Mr. Grogan would not be able to subdivide the property along Brooklyn Avenue as planned because several of the proposed townhomes would have double frontage. Given the existing ordinance, Mr. Grogan would be forced to alter his development to either 1) avoid subdividing the property, 2) to create a buffer of land along the road frontage separate from the subdivided properties, or 3) avoid double frontage entirely but create driveways along Brooklyn that would be incompatible with the existing street. Mr. Grogan submitted a Subdivision Text Amendment that would enable double frontage in more circumstances throughout the City.

Staff has noted several other subdivision proposals in recent months in addition to Mr. Grogan's that also have double frontage lots. The proposed subdivision would either require numerous driveways onto existing streets or would create a double frontage lot that would not be allowed in the current ordinance.

In revising the subdivision ordinance, staff has initiated three main changes that, when taken together, expand where double frontage is allowed while also maintaining sufficient buffering. The following changes were made throughout the subdivision ordinance:

1. In Section 3.03 (D), we created two different buffer zone types for the varying street classifications.
2. In section 3.04 (B-C), we expand the number of street classifications that would require a marginal access street
3. In Section 3.04 (B-C), we establish a trigger to require marginal access streets that is based upon Annual Average Dailey Traffic counts.

### SUBDIVISION TEXT AMENDMENT – DOUBLE FRONTAGE LOTS

The following language is recommended for addition / ~~deletion~~.

#### **Appendix B - Subdivisions, Article 3. - Configuration**

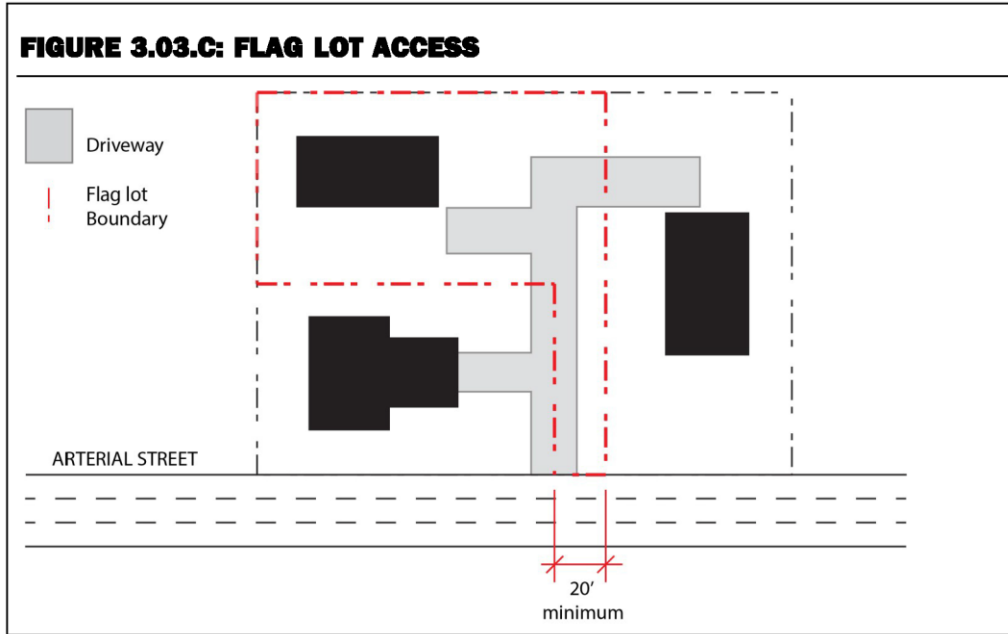
##### **Sec. 3.03. Lots.**

###### **A. Dimensional requirements.**

###### **1. Generally.**

- a. The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated to allow the lots to meet the standards contained in this ordinance.
- b. A lot shall have sufficient area, dimensions, and street access to allow a principal building to be erected on it in compliance with the requirements of this ordinance and the zoning ordinance.
- c. Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area in accordance with the

- 
- standards of this ordinance.
- d. The area of standing bodies of water shall not be included in determining minimum lot area requirements.
2. **Single-family residential lots.**
    - a. **Within the corporate limits.** Lots intended for single-family residential development within the city's corporate limits shall comply with the minimum dimensional standards for the zoning district where located.
    - b. **Outside the corporate limits.**
      - i. Lots intended for single-family residential development outside the city's corporate limit that are served by both public water and sewage systems shall comply with the minimum dimensional standards for the zoning district where located.
      - ii. Lots intended for single-family development outside the city's corporate limits that are not served by public water or by public sewer shall comply with the applicable dimensional standards in the zoning ordinance.
  3. **Multi-family residential lots.**
    - a. Lots intended for multi-family residential development shall comply with the minimum dimensional standards for the zoning district where located.
    - b. Prior approval from Henderson County Environmental Health must be obtained for lots containing multi-family development that are not served by both public water and sewer.
  4. **Nonresidential and mixed-use lots.** Lots intended for non-residential and mixed-use development shall comply with the minimum dimensional standards for the zoning district where located.
- B. **Side lot lines.**
1. Side lines of lots should be at or near right angles or radial to street lines.
  2. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.
- C. **Flag lots.** New flag lots may be established, subject to the following requirements:
1. Except where topographic conditions or environmental constraints make lot access impractical, no more than five percent of the lots within a subdivision (or individual phase of a subdivision) may be configured as flag lots.
  2. New flag lots may be established along an expressway or boulevard street only in cases where access to the street is shared with an adjacent lot (see Figure 3.03.C, Flag Lot Access).
  3. The "pole," arm," or "pan handle" portion of a flag lot shall maintain a minimum width of at least 20 feet.
  4. Use of a single driveway to serve an adjoining flag lot or to serve a flag lot and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.



**D. Double or reverse frontage lots.**

1. Double frontage or reverse frontage lots shall be avoided, except when used in conjunction with the provisions for marginal access streets in section 3.04.C, marginal access streets
2. Double frontage or reverse frontage lots shall require a ~~non-access buffer of 25 feet on one side of the lot bounded by a street, in addition to other dimensional requirements.~~ 25-foot-wide non-access buffer zone from the edge of pavement on the side of the lot abutting the expressway, boulevards, or thoroughfares, or a 12.5-foot-wide non-access buffer zone from the edge of pavement on the side of any local street designated under 3.04 (B).

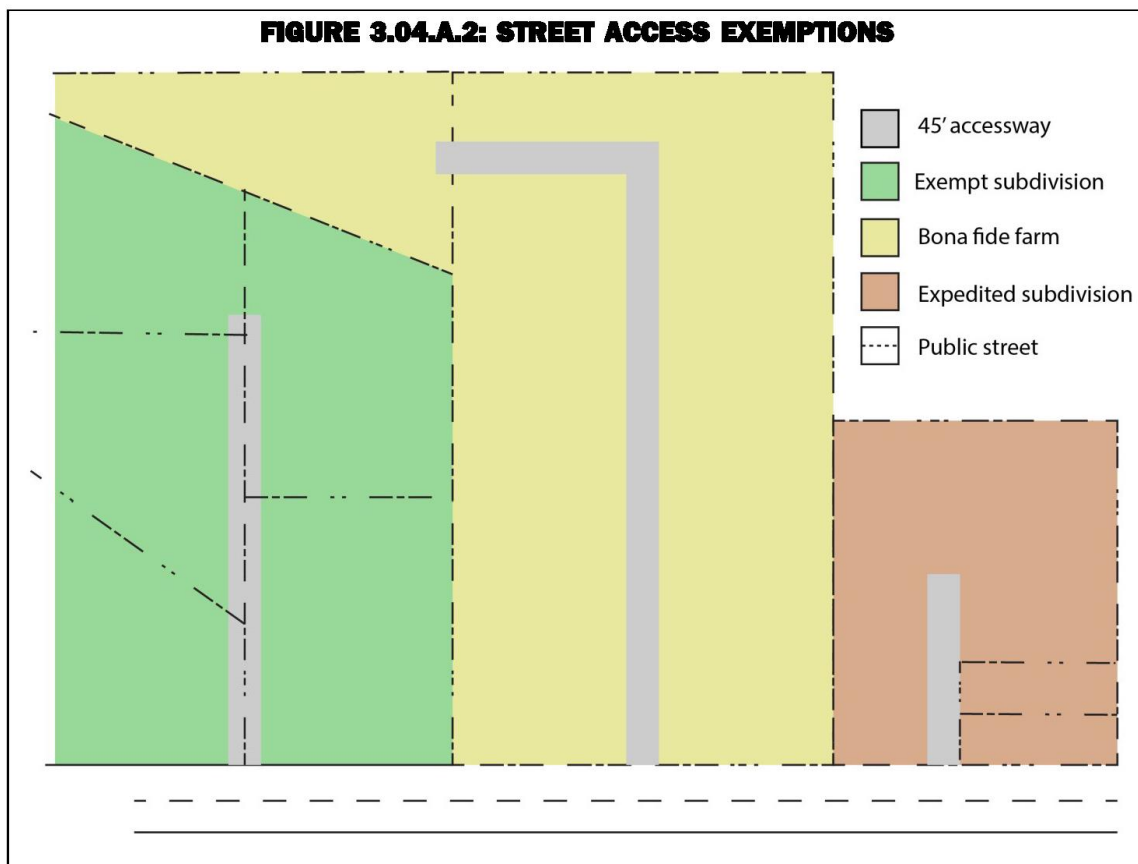
**E. Corner lots.** Corner lots shall be of sufficient size to ensure development may be configured to avoid required sight distance triangles.

**F. Drainage and flood prevention.** New subdivisions shall comply with all applicable requirements for stormwater management (see section 5.01, stormwater management), drainage (see section 5.02, sedimentation and erosion control), and all applicable standards for flood damage prevention from sections 24-31 through 24-117 of the city's Code of Ordinances, when located within a special flood hazard area.

### Sec. 3.04. Access to lots.

#### A. Every lot must maintain access.

1. **Generally.** Except for lots within bona fide farms, exempt subdivisions, or in accordance with section 3.04.A.2, street access exemptions, all lots intended to contain a building or structure shall abut a street designed, built, and maintained to city or state standards, as applicable.
2. **Street access exemptions.**
  - a. Lots in any of the following forms of development are not required to be served by a street meeting city or state standards:
    - i. Up to three lots in an expedited subdivision; or
    - ii. Up to three lots without roadway frontage that are served by a single, shared accessway.
  - b. Any lots not required to abut a street designed, built, and maintained to city or state standards shall maintain an access with a minimum width of 45 feet that is adequately maintained to afford a reasonable means of ingress and egress for emergency vehicles (see Figure 3.04.A.2, Street Access Exemptions).

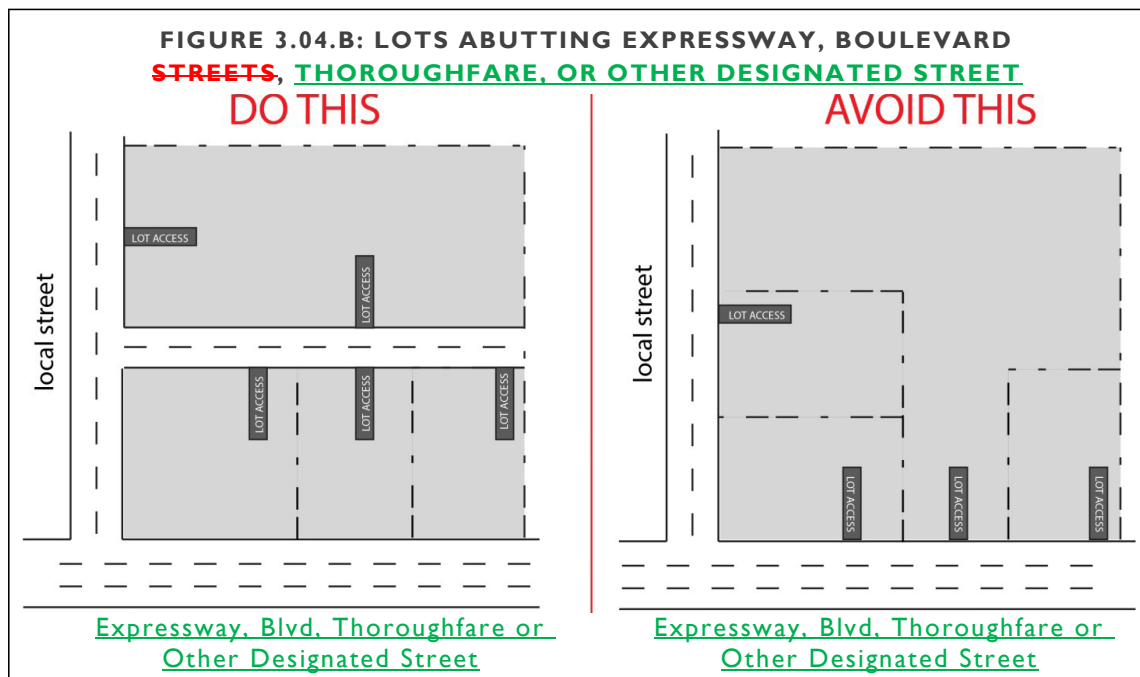


3. **Access serving more than three lots.** Accessways serving more than three lots outside a bona fide farm or exempt subdivision shall be designed, built, and maintained to public street standards.

#### B. Access on lots abutting expressways, ~~or boulevards~~ ~~streets~~, thoroughfares, or other designated streets.

1. For this section, the term "other designated street" refers to pre-existing local streets that are reclassified to a greater street classification to achieve the objectives of Sec. 3.04 D. and/or due to anticipated needs such as access control, congestion management and improved walkability/bikeability. Where the AADT of a street or street segment is in excess of 300 AADT, the City Manager may reclassify a street in order to require access from a marginal access street (new street or alley) and allow for the creation of double frontage lots. All new subdivisions fronting a reclassified street or street segment must adhere to the provisions below.

1. ~~2.~~ In cases where a tract or site abutting an expressway, ~~or~~ boulevard ~~streets, thoroughfare, or other designated street~~ is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different street ~~or alley,~~ either pre-existing or created as part of the subdivision, so that direct access to lots need not be provided by an expressway, ~~or~~ boulevard ~~streets, thoroughfares, or other designated street~~ (see Figure 3.04.B, Lots Abutting expressway, ~~or~~ boulevard ~~streets, thoroughfare, or other designated street~~).
3. Where a tract of land to be subdivided adjoins an expressway, ~~or~~ boulevard ~~streets, thoroughfare, or other street as designated by the City Manager,~~ the subdivider may be required to provide a marginal access street parallel to the expressway, ~~or~~ boulevard ~~streets, thoroughfare, or other designated streets~~ ~~or reverse frontage~~ where access is obtained solely by a different street for the lots to be developed adjacent to the expressway, ~~or~~ boulevard ~~streets, thoroughfares, or other designated streets~~.
- ~~2.~~ 4. The final plat creating the subdivision shall indicate a notation that driveway access to an expressway, ~~or~~ boulevard ~~streets, thoroughfare, or other designated street~~ is limited and shall be provided by a different street ~~or alley~~.
- ~~3.~~ 5. In the event a site or tract is unable to comply with the access limitations in this subsection, an applicant may seek a variance in accordance with section 2.04.J, subdivision variance.



~~C. Marginal access streets.~~

- ~~1. Where a tract of land to be subdivided adjoins an expressway, or boulevard streets, the subdivider may be required to provide a marginal access street parallel to the expressway, or boulevard streets or reverse frontage where access is obtained solely by a different street for the lots to be developed adjacent to the expressway, or boulevard streets.~~
- ~~2. Where reverse frontage is established, private driveways shall not have direct access to expressway, or boulevard streets, and a 25-foot-wide non-access buffer zone on the side of the lot abutting the expressway, or boulevard streets, thoroughfares, or other designated streets shall be provided.~~

~~D. C.~~ **Driveway consolidation along expressway, boulevard, and thoroughfare streets thoroughfares, or other designated streets.**

While a lawfully established access to an individual lot from an expressway, boulevard, ~~or thoroughfare street~~ ~~thoroughfare, or other street as designated by the City Manager~~ created prior to March 5, 2020 may remain, it is the intent of this ordinance to consolidate or eliminate these driveways to help ensure public safety and to preserve the traffic-carrying capacity of the street. In order to encourage the beneficial removal of existing driveways or shared driveways serving two or more lots, the required side setbacks and any perimeter landscaping buffers required between lots may be reduced by up to ten percent by the City Manager, if all of the following requirements are met:

1. NCDOT confirms the shared access can still achieve a satisfactory level of access control;

2. A cross-access easement between all parties sharing access is approved by the City Manager and recorded with the Henderson County Register of Deeds;
3. All Fire Code regulations are met;
4. Adequate utility and drainage easements are provided, if necessary; and
5. Minimum side setbacks or perimeter landscaping buffer requirements are reduced by the smallest amount necessary to accommodate the shared access.

**Sec. 4.03. Streets.**

**A. Generally.**

1. **Streets distinguished.** All streets, roads, and alleys within the city's planning jurisdiction shall be designated as one of the following street types, based on maintenance responsibility:
  - a. State-maintained, or NCDOT streets (this includes roadways in the federal highway system);
  - b. City streets that will be owned, maintained or operated by the City of Hendersonville; or
  - c. Private streets that will be owned and maintained by individuals or owner associations.
2. **Types of streets.**
  - a. **Public streets.** Streets that are owned, operated, or maintained by the NCDOT, the city, or the federal government shall be considered as public streets.
  - b. **Private streets.** Streets that are owned, operated, or maintained by an individual or an owner's association shall be considered private streets.
3. **Street classification.**
  - a. All new and existing streets in the city's planning jurisdiction shall be identified in the city's adopted policy guidance, or can be stipulated based on guidance in Sec. 3.04 B. as one of the following street classifications:

TABLE 4.03.3: STREET CLASSIFICATION	
STREET TYPE	DESCRIPTION
Freeway	Freeways are the highest classification of streets and are designed and constructed with mobility and long-distance travel in mind. Access is controlled, intersections are grade-separated, driveways serving individual lots are prohibited, and roadways are designed for high-speed travel of 55 mph or greater. Roadways in this functional classification category connect the city to other destinations in the state and connect major activity centers in the city to one another. Freeways carry the highest traffic volumes.
Expressway	These streets provide a high degree of mobility both within the city's urban areas as well as through neighboring rural areas. Vehicles move at high-to-moderate speeds and four-way intersections are often signal-controlled. These streets include at-grade intersections with other streets typically spaced 2,000 feet apart, but driveways to individual lots are typically limited to right-in/right-out or grade separated left turns. The average number of vehicles trips can vary widely based on the urban or rural location of an expressway.
Boulevards	Boulevards connect major streets to one another and provide for vehicle trips of moderate length at medium speeds. The road is typically two or more lanes with a median with median breaks provided for U-turns. Full-movement driveways may be provided when alternative forms of access are not available.
Major Thoroughfare	Major thoroughfares provide a balance of mobility and access with moderate traffic volumes and low-to-medium speeds between 25 and 55 mph. Streets may be up to four lanes wide with no median and no requirements for access control. Access management may



	be provided in the form of continuous left turn lanes, shared driveways, full movement driveways are permitted on two-lane streets with a center turn lane. Cross-parcel connectivity between adjacent lots is strongly encouraged.
Minor Thoroughfare	Minor thoroughfares provide balanced mobility and access with moderate traffic volumes and lot-to-medium design speeds of up to 45 mph. Streets may have up to three lanes with no more than one lane per direction. Access management may be provided in the form of continuous left turn lanes, shared driveways, full movement driveways are permitted on two-lane streets with a center turn lane. Cross-parcel connectivity between adjacent lots is strongly encouraged.
Local	Local streets occupy the largest percentage of lane miles across all types of streets and primarily provide direct access to individual lots. Local streets are often configured to discourage through traffic, though local streets can also effectively disperse local traffic when configured as part of a highly connected network offering multiple routes.
Cul-de-Sac	A dead-end local street that terminates in a vehicular turnaround.
Alley	A secondary street that provides direct access to a limited number of individual lots or land uses. In most cases, access is provided to the side or rear of the lot served by the alley.

- b. Nothing shall prohibit a change in street classification based on traffic volumes or anticipated needs.
- c. In no instance shall a private street be classified as a freeway, expressway, boulevard, or thoroughfare street.

PUBLIC INPUT / RECOMMENDATION

Legislative Committee of the Planning Board – August 20<sup>th</sup>, 2024

The Legislative Committee reviewed this subdivision text amendment. Planning Board members Donna Waters, Bob Johnson, and Jim Robertson were present for the meeting. Staff discussed the nature of the text amendment and the reasoning behind the changes. All members of the Legislative Committee voiced support of the changes. The only recommendations that were made were related to clarifying the role the Community Development Director in making changes (has since been removed from the ordinance), as well as clarifying which street building entrances should front onto. No formal vote was taken by the committee.

GENERAL REZONING STANDARDS	
1) ADOPTED PLAN CONSISTENCY	<p><b><u>GEN H FUTURE LAND USE &amp; CONSERVATION MAP</u></b>  <b>Designation:</b> N/A  <b>Character Area Description:</b> N/A  <b>Zoning Crosswalk:</b> N/A  <b>Focus Area Map:</b> N/A</p>
	<p><b><u>2018 BICYCLE PLAN</u></b>                      The 2018 Bicycle Plan calls for the City to regularly update local street design standards to reflect national best practices and to regularly update the City’s traffic calming policies. These two recommendations go hand-in-hand with the provisions for marginal access streets that would result in double frontage lots for infill development.</p>
	<p><b><u>2023 WALK HENDO PEDESTRIAN PLAN</u></b>                      The Walk Hendo Plan’s recommendations on policies makes reference to the City needing to develop street typologies to support a variety of residential uses. The Plan goes on to say:  <i>People who walk need community design features that support walking. A city’s zoning and other land use regulations / planning documents are some of the most effective tools a community can use to promote community walkability and many communities intentionally use zoning [and subdivision] regulations to foster walkable communities. While weighing future land use and policy options during the Gen H process, Hendersonville can consider how to code pedestrian environment elements into their regulatory codes.</i>                      In particular, the focus of walkability in and around downtown Hendersonville is a key consideration.</p>
	<p><b><u>LEGISLATIVE COMMITTEE RECOMMENDATION</u></b>                      The Legislative Committee reviewed the proposed changes at their meeting on August 20<sup>th</sup>. At the time of the meeting a simplified version was presented. The staff recommendations have since evolved to include more quantifiable triggers.</p>
2) COMPATIBILITY	<p><b><u>EXISTING CONDITIONS</u></b>                      The revision of the Subdivision Ordinance assists in promoting the preservation of existing streets because it deters subdivisions from creating additional curb cuts and driveways along the street. Instead, it promotes the creation of a new marginal access streets.</p>
	<p><b><u>GEN H COMPREHENSIVE PLAN GOALS</u></b> (Chapter IV)  <b>Vibrant Neighborhoods:</b> Consistent  <b>Abundant Housing Choices:</b> N/A  <b>Healthy and Accessible Natural Environment:</b> N/A  <b>Authentic Community Character:</b> Consistent  <b>Safe Streets and Trails:</b> Consistent  <b>Reliable &amp; Accessible Utility Services:</b> Consistent</p>

	<p><b>Satisfying Work Opportunities:</b> N/A  <b>Welcoming &amp; Inclusive Community:</b> Consistent  <b>Accessible &amp; Available Community Uses and Services:</b> N/A  <b>Resilient Community:</b> N/A</p>
	<p><b>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</b> (Chapter IV)  <b>Mix of Uses:</b> N/A  <b>Compact Development:</b> Consistent  <b>Sense of Place:</b> N/A  <b>Conserved &amp; Integrated Open Spaces:</b> N/A  <b>Desirable &amp; Affordable Housing:</b> Consistent  <b>Connectivity:</b> Consistent  <b>Efficient &amp; Accessible Infrastructure:</b> N/A</p>
<p><b>3) Changed Conditions</b></p>	<p><b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b></p>
	<p>As the City continues to develop, there are more opportunities for subdivisions to occur that may result in double frontage lots. The aim of this ordinance revision is to allow these subdivisions to occur but manage the access to these lots in an appropriate way so that existing streets are not negatively impacted.</p>
<p><b>4) Public Interest</b></p>	<p><b>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -</b></p>
	<p>The proposed text amendment will allow the City to require marginal access streets in more subdivisions, thereby reducing the number of driveways entering onto existing roadways throughout the City. Creating marginal access streets is best practice to avoid traffic collisions, and car/cyclist/pedestrian collisions.</p>
<p><b>5) Public Facilities</b></p>	<p><b>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment</b></p>
	<p>This amendment will assist with removing the possibility of encroachment into sidewalks by driveways, thereby mitigating the negative impacts on the public by lessening the possibility of accidents.</p>
<p><b>6) Effect on Natural Environment</b></p>	<p><b>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -</b></p>
	<p>There are not any direct connections between this text amendment and the environment/ natural resources. However, even if subdivided, the subject properties will have to meet any applicable zoning, natural resource, stormwater, floodplain, etc. requirements.</p>

DRAFT ADOPTED PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT

The petition is found to be [consistent] with the City of Hendersonville Gen H 2045 Comprehensive Plan, 2018 Bicycle Plan and 2023 Walk Hendo Pedestrian Plan based on the information from the staff analysis and the public hearing, and because:

*The petition aligns with the City's adopted plan's policy guidance to promote vibrant neighborhoods, create compact development, establish connectivity and improve walkability/bikeability throughout the community.*

We [find/do not find] this proposed subdivision text amendment petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

*DRAFT [Rationale for Approval]*

- *The proposed text amendment creates flexibility for property owners while still limiting potential impacts to the greater community which include congestion management through driveway consolidation and reduction of conflict point for pedestrians, cyclists and vehicles.*
- *The proposed text amendment expands the number of streets that will allow double frontage lots, while also imposing more requirements to ensure that these lots do not negatively impact the community.*
- *The proposed text amendment will assist in redeveloping smaller lots in areas targeted for infill.*

*DRAFT [Rational for Denial]*

- *The proposed text amendment would cause an undue burden on the developments through requirements to establish a marginal access street.*
- *The proposed text amendment will not sufficiently address the impact on the greater community established through a double frontage lot.*